

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

SAMUEL KERSON,
Plaintiff,

v.

VERMONT LAW SCHOOL, INC.,
Defendant.

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No. 5:20-cv-00202-gwc

DECLARATION OF JAMESON DAVIS

I, Jameson Davis, do hereby state and declare:

1. I am a third-year J.D. student (“3L”) at Vermont Law School, scheduled to graduate in May 2021. I have personal knowledge of the facts and information contained in this Declaration.

2. Prior to matriculating at VLS, I worked for Tesla, selling solar technology energy solutions.

3. I began my VLS career in 2017 as a student in the Master’s in Environmental Law and Policy Program, and transferred to the J.D. program after completion of my Master’s. During my career at VLS, I served a two-year term as a Select Board member in the Town of Hartford. I also spent a Semester in Practice at the U.S. Department of Justice.

4. I came to Vermont Law School from Los Angeles, having never visited the VLS campus or been to South Royalton, Vermont. I had completed my application online, my acceptance letter arrived online, and I found local housing online before I came to Vermont.

5. When I had been on campus for only a few weeks' time, I decided to join several other students for a study group in the loft at Chase Hall. As a Black man, I was totally caught off-guard and surprised to see the Kerson mural that is the subject of this law suit on the wall in the loft. While the panels of the mural had plaques explaining what it was intended to represent, the plaques could not disguise the over-exaggerated depiction of Black persons – large lips, startled eyes, big hips and muscles eerily similar to “Sambos” or other racist coon caricatures—that seemed completely at odds with the stated mission of Vermont Law School to promote diversity and to support students of color.

6. As a new student, I did not initially speak up about the mural to the administration, but I did discuss it with other Black students who seemed equally offended by it. Not only does the mural stereotype Black bodies, but the first panel paints the slavers as green, and the second paints the abolitionists as white, thereby dissociating the slavers from whiteness and its associated power and dominance. The first panel also depicts some of the enslaved people having captured and tied up a white man, inaccurately suggesting that the Africans had the ability to defeat their enslavers.

7. At some point further into my Master's year, I did start to discuss the mural with Dean Shirley Jefferson. Dean Jefferson—who is Black—and I discussed not just the multi-generational trauma experienced by African-Americans in this country and the stereotyped features of the enslaved people depicted in the mural, but also the history of the mural at VLS, how it was donated, and the discussions

about the mural that had cropped up since its installation. Dean Jefferson acknowledged the discomfort that I and other students of color experienced with the presence of the mural on campus, but encouraged me to concentrate on my studies.

8. While I and other students—Black, white, and other students of color—continued to discuss the mural, the issue came to a head during last year, with the murder of George Floyd in Minneapolis and the more widespread national discussion of institutional racism. I and other students decided it was time to address the mural more broadly.

9. I began by calling Sam Kerson, the artist, to hear directly and better understand his intentions in creating the mural. I expected the call to last half an hour or so, but we spoke for 1 ½ or 2 hours. In our conversation, Mr. Kerson acknowledged that the mural had been controversial from the time it was first installed, and that some of his other work in Vermont had also been the subject of similar controversy. But he focused on his intentions in painting the mural, and did not seem able to comprehend that his artistic intentions, even if good, were an entirely separate question from how the mural was received by and impacted Black viewers. When I tried to point out to Mr. Kerson how his representation of Black bodies was offensive, he responded “well, that’s the way Africans look.” I did not come away from the conversation persuaded that it was appropriate to continue to display the mural and its offensive depiction of Africans and their enslavers on the VLS campus.

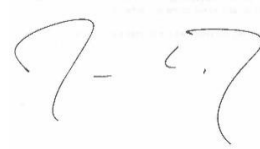
10. April Urbanowski, another 2L and I at the time, undertook some

discovery, and learned that when the school does tours, prospective students are not shown Chase loft. We also came to understand that some Black and other students stayed away from Chase Hall and/or declined to study in the Chase loft because of the mural. We began drafting a petition and collecting signatures to present to the administration. We presented our “The Underground Railroad, Vermont and the Fugitive Slave” – Removal Demand Letter, dated July 6, 2020, and signed by more than 100 students, faculty, staff and alums, to then-President and Dean Thomas McHenry a few days later. A copy of our Letter is attached here as Exhibit A.

11. I am familiar with the temporary drop cloths that currently cover the mural. The temporary cover, as easily removable as it is, does not adequately address the extreme discomfort the presence of the mural on the VLS campus creates for me, and as I have come to understand it, others—Black, brown, white and otherwise of color—associated with VLS in one way or another. While I am uncomfortable knowing that the mural exists on the VLS campus, and I feel strongly that it should be removed or painted over and replaced with something that respectfully reflects the experience of Black and brown people in America, I understand that a decision was made to install a permanent cover that removes the mural from view.

I declare under the pains and penalties of perjury that these statements are true and correct.

Dated at South Royalton, Vermont this 2nd day of February 2021.

A handwritten signature in black ink, appearing to read "J-C Davis", written over a faint, rectangular, light-colored stamp or watermark.

Jameson C. Davis